

## REMARKS

Claims 13, 14, 19-22, 25, 26, 31, 33, and 35-37 are pending. Claims 13, 14, 19-22, 26, 35, and 37 have been canceled, and Claims 25, 31, 33, and 36 have been amended. By this amendment, Claims 25, 31, 33, and 36 are pending.

### The Provisional Double Patenting Rejection

Claims 13, 25, 33, 36, and 37 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 41, 43-47, 57, 59, and 60 of co-pending Application No. 10/555,076. Enclosed herewith is a Terminal Disclaimer obviating this grounds for rejection. Withdrawal of the rejection is respectfully requested.

### The Rejection of Claims 13, 25, 31, 33, and 35 Under 35 U.S.C. § 112, First Paragraph

Claims 13, 25, 31, 33, and 35 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Withdrawal of the rejection is requested for the following reasons.

Claims 13 and 35 have been canceled. Claims 25, 31, and 33 have been amended to depend from Claim 36, which applicants now believe to be allowable, and which does not include the recitation "wherein glucose uptake does not include glucose transport."

In view of the claim amendments, withdrawal of the rejection is respectfully requested.

### The Rejection of Claims 13, 25, and 36 Under 35 U.S.C. § 102(b)

Claims 13, 25, and 36 stand rejected under 35 U.S.C. § 102(b), as anticipated by Freeman et al., *Circulation* 103:357-372, January 2001. Withdrawal of the rejection is requested for the following reasons.

Claim 13 has been canceled. Claim 36 has been amended to include the recitation of Claim 37. Claim 25 has been amended to depend from Claim 36, which applicants now believe to be allowable.

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In view of the claim amendments, withdrawal of the rejection is respectfully requested.

The Rejection of Claims 31-35 Under 35 U.S.C. § 103(a)

Claims 31-35 stand rejected under 35 U.S.C. § 103(a), as unpatentable over Freeman et al., *Circulation* 103:357-372, January 2001, in view of U.S. Patent No. 5,643,868, issued to Weiner et al., and further in view of Paolisso et al., *European Journal of Clinical Pharmacology*, Vol. 40, No. 1, pp. 27-31 (1991). Withdrawal of the rejection is requested for the following reasons.

Claim 35 has been canceled. Claims 32 and 34 were previously canceled. Claims 31 and 33 have been amended to depend from Claim 36, which applicants now believe to be allowable.

In view of the claim amendments, withdrawal of the rejection is respectfully requested.

Conclusion

Applicants believe that Claims 25, 31, 33, and 36 are in condition for allowance. If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1755.

Respectfully submitted,

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